

Amendments to the Drawings:

The attached six (6) replacement sheets of drawings include Figs. 1-15. These sheets replace the original sheets including Figs. 1-15. The replacement sheets are being submitted as formal drawings.

Attachments: Replacement Sheets 1-6

REMARKS

The Examiner indicates that claims 1-44 are pending in this application and further indicates the withdrawal of claims 7-25 and 31-44 based on applicant's previous election. However, applicant contends that the application was filed with 48 claims such that claims 7-25 and 31-48 should be withdrawn from consideration as reflected in the claim listing herein. Applicant hereby confirms election, without traverse, to prosecute the invention of Species S1a, claims 2-6 and 27-30.

Claims 1-3, 5, 6 and 26-29 have been amended for reasons unrelated to patentability. More particularly, the claims have been amended to more concisely recite the invention.

35 U.S.C. §103(a)

The Examiner rejects claims 1-6 and 26-30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,609,972 to Seelig. Applicant disputes the Examiner's position and corresponding rejection as detailed below.

The present invention is directed to a gaming machine having a bonus game comprising one or more mechanical components having dynamic members designed to conceal, and at the appropriate time (e.g., in response to a primary game outcome), reveal one or more display devices which are operable to depict bonus awards. Accordingly, during non-bonus game play, the one or more display devices are concealed from player view.

On the other hand, the Seelig reference discloses a bonus game comprising multiple exposed display devices which are identified, at the appropriate time, by the position of a dynamic mechanical member. However, at no time does the indicator or any other member of Seelig conceal any of the display devices.

The Examiner expressly states that Seelig does not explicitly teach the mechanical component concealing the display device, and the dynamic member causing the display device to be revealed upon the activation of the mechanical component. Nonetheless, the Examiner further states that this feature is an obvious design choice in that both Seelig and applicant's approaches are to conceal and reveal the symbol related to the award in

response to the bonus game activation such that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Seelig by providing an alternative method of mechanically concealing and revealing the symbol. This is simply not accurate for the reasons set forth below.

In a proper obviousness determination, "[w]hether the changes from the prior art are 'minor', . . . the changes must be evaluated in terms of the whole invention, including whether the prior art provides any teaching or suggestion to one of ordinary skill in the art to make the changes that would produce the patentee's . . . device." Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 935, 15 USPQ2d 1321, 1324 (Fed. Cir.), cert. denied, 498 U.S. 920 (1990). This includes what could be characterized as simple changes, as in In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (Although a prior art device could have been turned upside down, that did not make the modification obvious unless the prior art fairly suggested the desirability of turning the device upside down.).

First, the Examiner's statement that it would be obvious to provide an alternative method of mechanically concealing and revealing the symbol is misplaced as Seelig does not disclose a first method, let alone an alternative method, of mechanically concealing and revealing the bonus symbol. Seelig merely discloses a series of display devices and a display identifier. In essence, Seelig is no different that a segmented award wheel having pointers adjacent thereto wherein the pointers identify awards on the wheel. Indeed, Seelig even suggests such an embodiment (column 4, lines 16-18). There is no concealment of the display devices or a suggestion of the same.

Second, even assuming Seelig is interpreted to disclose a first method of concealing and revealing the bonus symbol by identifying the relevant display devices, Seelig fails to teach or suggest a method of mechanically concealing and revealing the bonus symbol as claimed in the present application. Seelig relies on the display devices being either on or off—not concealed by a dynamic member. Concealment is the act of obscuring something from view or rendering it inconspicuous. The dynamic member of Seelig only acts to identify a pair of the display devices among the series of unconcealed display devices.

Third, by concealing the display device(s), the present claimed invention, unlike

Seelig, heightens the element of suspense, creates an enhanced dramatic presentation and for first time players, facilitates a sense of the unknowing since the one or more display devices is not apparent until the mechanical component, namely the dynamic member, is activated to reveal the same. To suggest that mechanically concealing and revealing one or more display devices is merely a design choice in light of Seelig is clearly not supported.

Based on the foregoing arguments, it is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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